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Governor

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**DEPARTMENT OF HOMELAND SECURITY  
AND EMERGENCY MANAGEMENT**

**NOTICE**

Date: December 13, 2021

To: New Mexico Fire Chiefs and City/County Administrators

From: John Kondratick, Interim State Fire Marshal  
Kylle J. Marshall Sr., Code Enforcement Bureau Chief

Subject: Memorandum of Understanding

Attached is the Memorandum of Understanding between the Department of Homeland Security and Emergency Management's Fire Marshal's Division, and the New Mexico municipal or county fire department (district). Please review the MOU and indicate what your fire department is applying for. Please return the completed and signed original to the State Fire Marshal's Office Code Enforcement Bureau at the address indicated below. If your department does not wish to accept responsibility for any of the inspections indicated in this MOU, we ask that you check the "none" box and return it to our office.

Please be advised that all signatures are required for our office to process the MOU. The deadline for this application is May 1, 2022.

Thank you for your assistance in improving the safety of all New Mexicans.

Mailing Address:

New Mexico State Fire Marshal's Office  
Code Enforcement Bureau

PO Box 27111  
Santa Fe, NM  
87502



**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY  
MANAGEMENTS, STATE FIRE MARSHAL DIVISION  
AND  
(LOCAL GOVERNMENTS OPERATING NEW MEXICO FIRE DEPARTMENTS)**

**PURPOSE:** To have a cooperative agreement between Fire Departments (or Districts) and the Department of Homeland Security and Emergency Managements, State Fire Marshal Division. To promote fire and life safety by conducting and/or assisting the State Fire Marshal Division with fire code inspections, to enter upon building and premises for the purpose of examination and inspection, when deemed beneficial to both parties.

**SCOPE:** The State Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (NMSA 1978, § 59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (NMSA 1978, § 59A-52-19). The State Fire Marshal is authorized to cooperate with agencies in this state(NMSA 1978, § 59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

**COOPERATIVE DISCLAIMER:** This Memorandum of Understanding does not prohibit the (Fire Department) or the State Fire Marshal Division from requesting assistance from each other pertaining to any fire code enforcement inspection or origin and cause investigation. The State Fire Marshal Division reserves the right to conduct any inspection or investigation of state buildings in accordance with this memorandum of understanding.

**METHODOLOGY:** The (Local Fire Department) shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the State Fire Marshal Division. The (Local Fire Department) shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms currently used by the Fire Department (District).

**Please write legibly. If the content is illegible, the application will be rejected.**

Full name of local government: \_\_\_\_\_

Municipality       County

If a County, does this Partnership Agreement include all County Fire Districts(Departments)?

Yes       No

If **no**, indicate which Fire Districts (Departments) are participating (use additional page(s) if necessary):

Fire Department (Districts) included in this Partnership Agreement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Municipal or County Fire Chief (and/or Marshal): \_\_\_\_\_

\_\_\_\_\_

**1.**

**Fire Code Enforcement Inspections**

**The (Local Fire Department) accepts responsibility for the following code enforcement activities (this memorandum of understanding does not include the inspection of state-owned or leased buildings except for as permitted below):**

- None
- Conduct all fire code inspections within the district's (Department's) City or County jurisdictional boundaries only.
- Conduct plans review and acceptance testing of fire suppression and detection systems (including all other types of fire protection systems).

**Detail:**

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**Indicate the types of properties your District (Department) declines to accept code inspection and enforcement responsibility for:**

- None
- Public Schools
- Charter Schools
- Universities and Colleges
- Other – Explain: \_\_\_\_\_

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**FOR SCHOOLS, CHARTER SCHOOLS, UNIVERSITIES, AND COLLEGES:** A report of the school(s) name, address, date of inspection, and name of District's (Department's) personnel performing the inspection will be required to be sent to the State Fire Marshal Division Code Enforcement Bureau by the end of each calendar year. Full reports are not required.

Please provide copies of training records and certifications for those personnel performing plans reviews, acceptance testing, or fire code enforcement inspections to the State Fire Marshal Division. Your Department (District) must also provide the State Fire Marshal Division with copies of all fire code inspections, plans reviews, and acceptance testing records annually as requested. The State Fire Marshal Division will annually audit these inspections, reviews, and records to ensure compliance with current Fire Code per rule 10.25.5 NMAC.

**NOTE: The State Fire Marshal Division retains all code enforcement and inspection responsibility for all other state buildings in your jurisdiction. If at any time a Department (District) is unable to fulfill their responsibilities as the authority having jurisdiction, the State Fire Marshal Division must be notified in writing within 30 days.**

**This agreement shall have a term of five (5) years and can be extended by mutual action of the (Fire department/district) and the New Mexico State Fire Marshal's Division.**

**Local Government Official:**

\_\_\_\_\_  
**Printed Name of Local Government Official**

\_\_\_\_\_  
**Title (Mayor, City/County Manager, etc.)**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Local Fire Chief or Fire Marshal:**

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**Printed Name of Local Fire Chief or Fire Marshal**

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**Signature**

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**Date**

**State Fire Marshal or designee:**

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**Printed Name of State Fire Marshal or designee**

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**Signature**

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**Date**